

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL NO. 1:08CR25

UNITED STATES OF AMERICA

VS.

CARROL LEE OWENS

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ORDER

THIS MATTER is before the Court on the Defendant's *pro se* motion to dismiss and affidavit in support of such motion.¹

Defendant moves the Court for dismissal of Counts Three and Six of the indictment² alleging that the term "means of identification" as defined in 18 U.S.C. § 1028(d)(7) would not apply to a VISA credit card since such card is issued by a financial institution and not by the federal Government.

Motion, at 2. The Court finds such motion to be without merit.

¹ There is no supporting affidavit attached to the Defendant's motion.

² The indictment has now been superseded and the counts renumbered. This motion concerns the counts charged in the original indictment.

IT IS, THEREFORE, ORDERED that the Defendant's *pro se* motion to dismiss is **DENIED**.

Signed: April 28, 2008

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

